



**COUNCIL OF
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LIMITE

ENFOPOL 23

NOTE

From: Presidency
To: Law Enforcement Working Party
Subject: Discussion paper on intelligence-led policing through closer cooperation with Europol in the fight against itinerant criminal groups

Crime committed by mobile and itinerant groups is a serious and increasing problem in Europe. In order to successfully fight the activities of these groups there is a need for close cooperation between Member States.

Mobile and itinerant groups commit a wide range of crimes such as shoplifting, theft, frauds and burglaries which yearly result in losses in the Member States adding up to billions of euro. The extent of the problem can be illustrated by the report compiled by the Europe Committee of the Dutch Retail Association in 2009 which estimated that only the retail sector in 16 European countries covered by the analysis loses up to 7.6 billion euro a year¹.

¹ In 2009 the Europe Committee of the Dutch Retail Association published the report “Itinerant groups target stores in European Union – An urgent cross-border problem” that compiles a survey of losses caused by itinerant crime groups to the retail sector in the Netherlands, Belgium, Germany, the United Kingdom, France, Italy, Spain, Sweden, Denmark, Switzerland, Austria, Greece, Estonia, Poland, the Czech Republic and Slovakia. The report is only referred to as an example and does not express the views of the Presidency.

When considered in isolation most of the crimes committed by itinerant groups are minor offences. They are therefore generally not regarded as organised or serious crimes. However, when added up, such crimes committed by itinerant groups constitute a serious problem that in many instances appears to be organised and has a significant impact on the daily life of many EU citizens. Furthermore, the mobility and the use of false identities by some of these criminal groups are fundamental problems that generally make it difficult to fight this type of crime by traditional investigative measures.

For these reasons, the Stockholm Programme – an Open and Secure Europe Serving and Protecting Citizens² recognises the type of crime committed by itinerant groups as a problem that must be dealt with at the EU level. The Stockholm Programme thus points out that more effective European law enforcement cooperation should also focus on cross-border wide-spread crime that have a significant impact on the daily life of the citizens of the Union.

The need for closer European cooperation in the fight against these types of crime has also been emphasised by the Council in its conclusions on the fight against crimes committed by mobile (itinerant) criminal groups³. The Council invites Member States to make full use of the existing European instruments and tools for the exchange of information on a strategic, tactical and operational level. Furthermore, the Council invites Member States, together with Eurojust and Europol, to explore possibilities to enhance cooperation and effectiveness in the fight against this criminal phenomenon.

The Council also underlined the importance of addressing the problem of crimes committed by itinerant groups by including this as one of the eight EU crime priorities in the Council conclusions on setting the EU's priorities for the fight against organised crime between 2011 and 2013⁴ in the framework of the EU Policy Cycle. As a shared strategic goal for all of the priorities within the Policy Cycle the Standing Committee on Operational Cooperation on Internal Security (COSI) shall assess how to enhance information exchange in order to get a better intelligence picture at EU level.

² OJ C 115, 4.5.2010, p. 1.

³ 15875/10 GENVAL 19 ENFOPOL 314, adopted during the Belgian Presidency.

⁴ 11050/11 JAI 396 COSI 46 ENFOPOL 184 CRIMORG 81 ENFOCUSTOM 52 PESC 718 RELEX 603.

In addition to the existing initiatives, the need for further EU cooperation to tackle this imminent problem was raised by Member States at the JHA Council meeting on 13-14 December 2011 on the basis of a note from France, Germany, Italy and Spain⁵.

The EU has already adopted a number of instruments aimed at improving cooperation in criminal matters which are already well-functioning or in the phase of being implemented. These instruments include, *inter alia*, the European Arrest Warrant, the EU convention on mutual legal assistance, the Prüm Decisions, the ECRIS Decisions and the framework for JITs. All these instruments are important for effective investigation and prosecution of criminal offences. When the Prüm Decisions are fully implemented in all Member States the EU will furthermore have an effective tool for establishing the identity of persons involved in criminal activities in different Member States.

However, as underlined in the aforementioned Council conclusions on the fight against crimes committed by mobile (itinerant) criminal groups and the Council conclusions on setting the EU's priorities for the fight against organised crime between 2011 and 2013 it is essential that Member States as a supplement to the legal instruments create a strong intelligence picture that can be used by Member States to identify, map and prevent the criminal activities of these groups.

This idea is further developed in the Operational Action Plan (OAP) related to the EU crime priority on mobile organised crime groups⁶ which includes operational actions focusing on the creation of a better EU intelligence picture in relation to this problem and a streamlined framework for the feeding of the Europol's database.

Alongside this ongoing work in COSI, it is important to consider how Member States can further enhance the use of intelligence-led policing in this field through existing means of intelligence-sharing and make full use of the future EU intelligence picture in this area.

⁵ 18293/11 JAI 936 COSI 124 ENFOPOL 466 GENVAL 135 COMIX 825+COR 1.

⁶ 17827/2/11 REV 2 JAI 904 COSI 111 ENFOPOL 451 CRIMORG 244 ENFOCUSTOM 170 PESC 1566 RELEX 1273 JAIEX 139 GENVAL 132 RESTREINT EU/EU RESTRICTED.

This could e.g. be achieved if Member States systematically make use of the Europol Information System (EIS). The EIS is a well-functioning system that gives designated authorities in Member States access to a wide range of information including biometric data such as DNA profiles, fingerprints and photos of suspected offenders⁷.

The essential precondition for the EIS to deliver useful intelligence information and create added value to national law enforcement work is that Member States systematically provide the system with all relevant intelligence and information. In other words, the more data on itinerant crime that is provided to the EIS the bigger are the chances that cross-checks will identify new leads for investigations or intelligence operations. This would also make Europol the hub for information exchange between law enforcement authorities as recommended in the Stockholm Programme.

To illustrate the current use of the EIS by Member States, Europol has provided detailed statistics on the use of the EIS set out in annex 1 (see in particular the chart 1.1 showing the progress of the EIS content since December 2006 and the chart 1.6 showing the progression of searches ran in the EIS since 2006).

Against this background the Presidency invites Member States to discuss the following points:

It seems that Member States have varying experiences when it comes to intelligence led policing and the use of the EIS against crime committed by itinerant groups. The Presidency therefore invites Member States to share their experiences on the following:

- *To what extent is intelligence-led policing against crime committed by itinerant groups applied?*
- *Is the use of EIS part of the intelligence-led policing?*
- *If yes, how often is the EIS used?*
- *If yes, what are the experiences?*
- *If no, what are the reasons?*

⁷ For examples of successful use of the EIS see annex 2.

How can the use of the EIS be extended and further incorporated in the work of law enforcement authorities in the field of fighting itinerant crime?

Do Member States see any obstacles when it comes to making the EIS an integrated part of law enforcement authorities' investigations against crime committed by itinerant groups, and what can be done to overcome these obstacles?

Would a way forward be to introduce an obligation for Member States to provide a certain minimum of information to the EIS in the field of fighting itinerant crime?

EIS statistics (Jan 2012) - Summary

Content

On 4 January 2012 the EIS contained 183,240 objects. The total number of "persons" stored in the EIS was 41,193.

Compared to December 2010 the EIS content increased by 5%. Compared to December 2009 the content increased by 34%.

Relatively low increase of content in 2011 is related to significant deletions by two Member States (DE, FR) at the end of the year. Nevertheless in terms of "persons" (the most important object type from law enforcement perspective) the increase amounted to almost 16 % compared to 2010.

"Drugs trafficking", with 25% of all objects is the major crime area followed by "trafficking in human beings" with 23%, "forgery of money" with 18%, "robbery" with 10% and "fraud and swindling" with 5%.

Germany was the main provider of data (providing 27% of all data) followed by Belgium, France, Spain and Europol (on behalf of third parties).

Data loaders

In 2011, Lithuania started to operate a data loader to provide data to the EIS.

At the end of 2011, 13 countries were using a data loader: Germany, The Netherlands, Denmark, Spain, Belgium, Sweden, France, Italy, Portugal, Slovakia, Poland, the UK and Lithuania.

Searches

111,110 searches were run in the system in 2011. Compared to 2010, searches decreased by 8%.

However, it has to be noted that due to technical reasons the so called "Batch Searches" were not included into the statistics. "Batch Search" is a functionality which allows importing large lists of objects (up to 400, e.g. a list containing 400 suspects) and search them in one go. These statistics will be available and reported by Europol as from Q2 2012.

Cross-Border Crime Checks (hits)

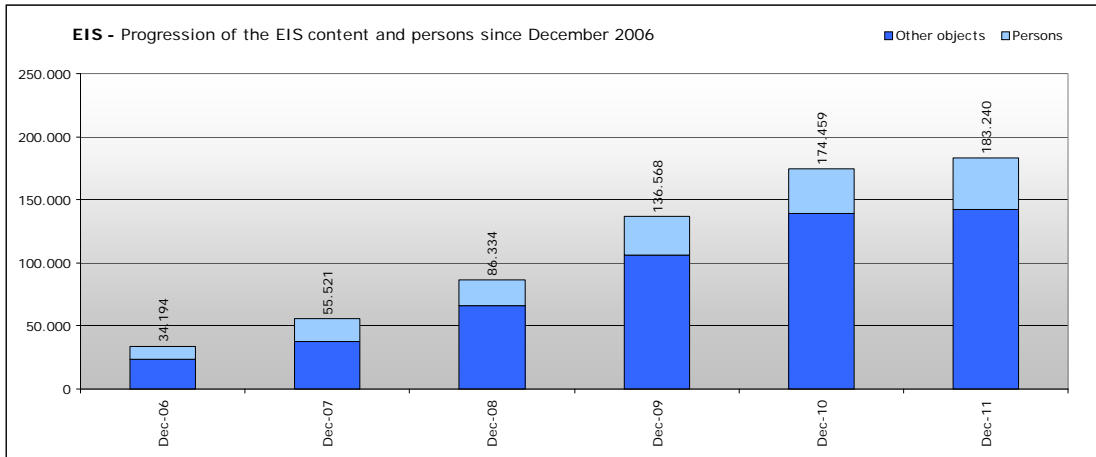
176 Cross-Border Crime Checks (CBCCs) were triggered in 2011, 158 were related to persons. CBCC is a functionality that automatically triggers an alert when two or more Member States input in the EIS a similar object e.g. a person.

Compared to 2010, the average of CBCC events decreased by 4%. It is, however, to be noted that last year with the 28% increase of the content the EIS saw almost the same number of CBCCs as this year with just 5% increase. Smaller content triggering by similar number of CBCCs suggests that the quality of the EIS data increased significantly.

1. EIS content

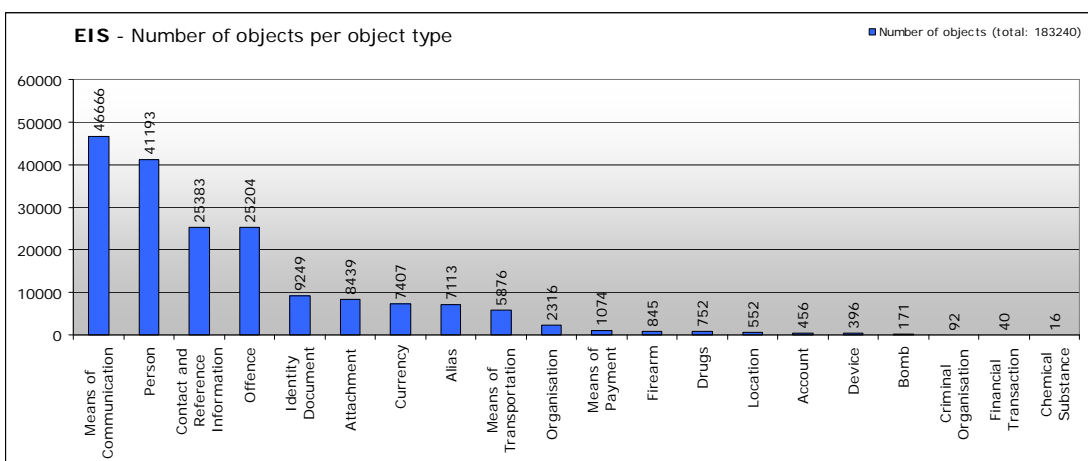
1.1. Progression of the EIS content

The following chart shows the progress of the EIS content since December 2006.



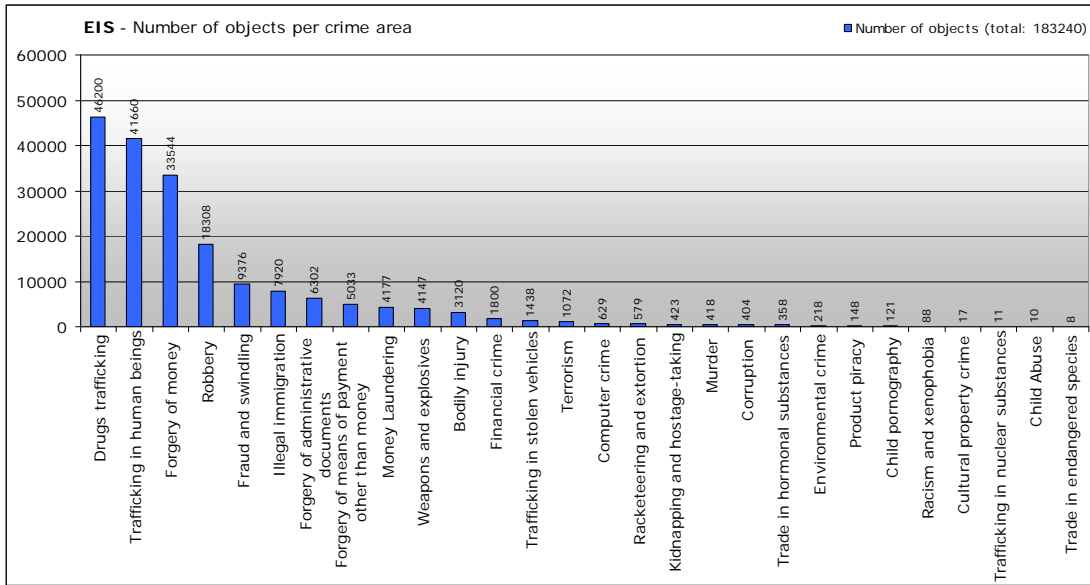
Year	Dec-06	Dec-07	Dec-08	Dec-09	Dec-10	Dec-11
Other objects	23.686	37.542	65.747	106.439	138.874	142.047
Persons	10.508	17.979	20.587	30.129	35.585	41.193
Total	34.194	55.521	86.334	136.568	174.459	183.24

1.2. EIS content per object type



On 4 January 2012, the EIS contained 183,240 objects; 41,193 of these objects were persons.

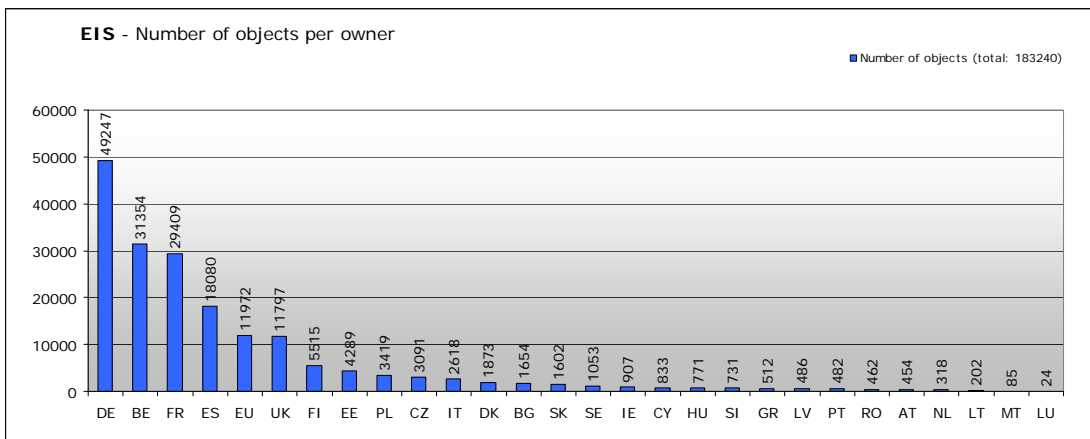
1.3. EIS content per crime area



On 4 January 2012, "drugs trafficking" with 25% of all objects was the major crime area followed by "trafficking in human beings" with 23%, "forgery of money" with 18%, "robbery" with 10% and "fraud and swindling" with 5%.

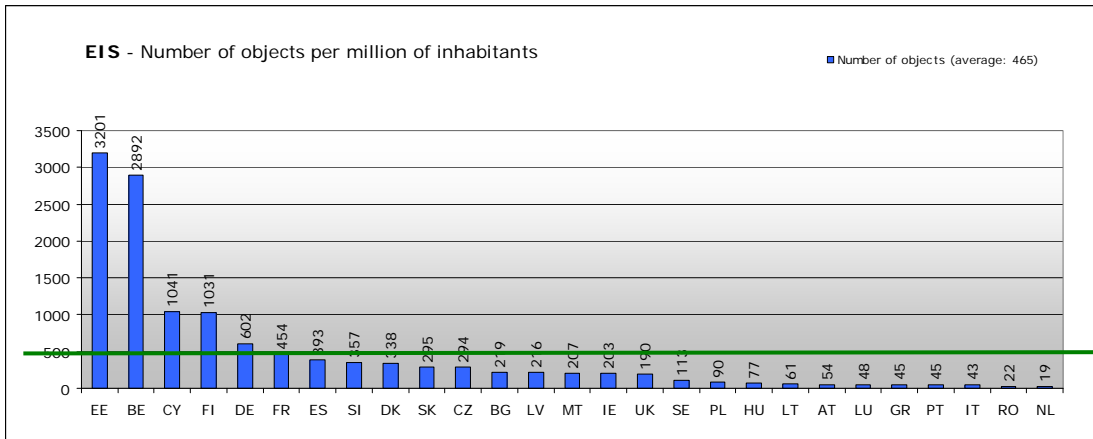
1.4. EIS content per owner

The following chart shows the EIS content per owner.



On 4 January 2012, Germany was the main provider of data (providing 27% of all data) followed by Belgium, France, Spain and Europol (on behalf of third parties).

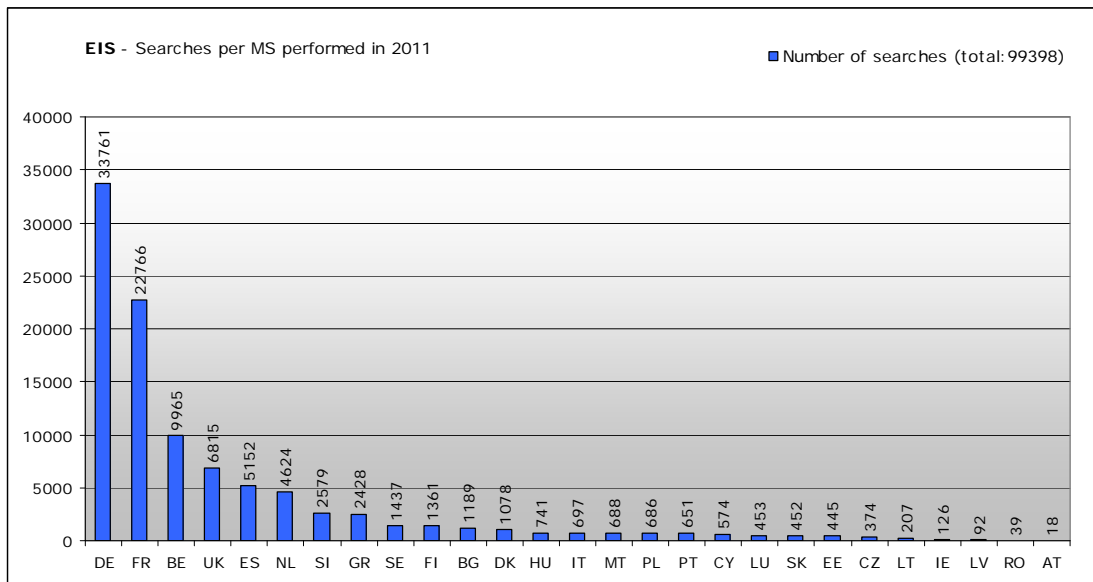
The following chart shows the number of objects inserted in the EIS per million inhabitants.



The average number of objects inserted in the EIS per million inhabitants for all Member States is 465.

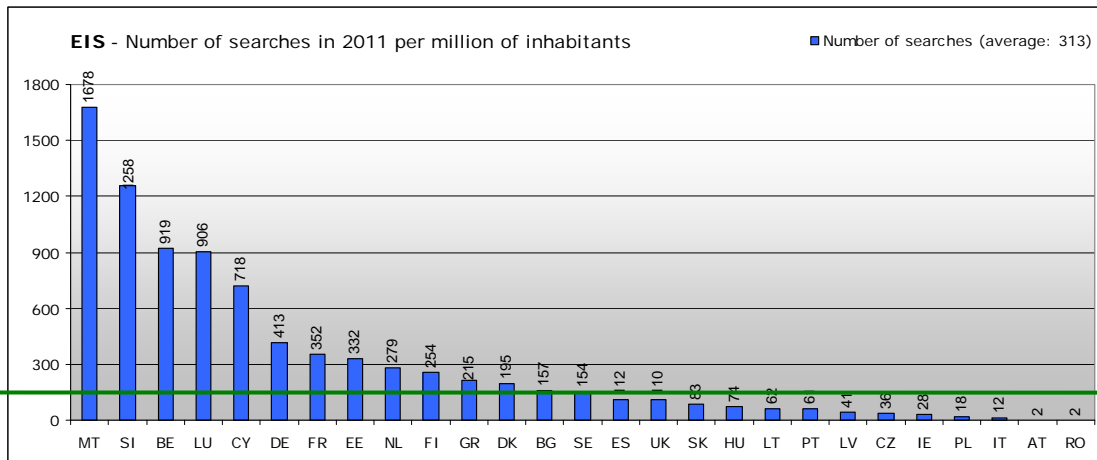
1.5. Member State searches

The following chart shows the searches performed per Member State in 2011.



In 2011, Germany ran 34% of 99,398 Member State searches, followed by France with 23%, Belgium with 10%, the UK with 7% and Spain with 5%.

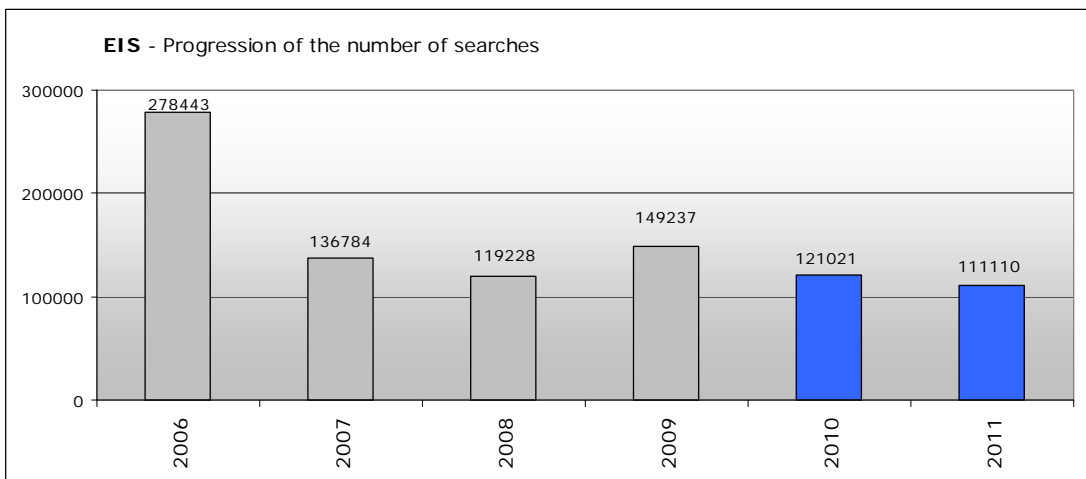
The following chart shows the number of searches ran in the EIS per million of inhabitants.



The average number of searches ran in the EIS per million of inhabitants in 2011 for all Member States was 313.

1.6. Progression of the searches in the EIS

The following chart shows the progression of searches ran in the EIS since 2006.



Note that from 2006 to 2009 the numbers of searches were calculated using different formulas, a more accurate formula is used as from 2010. The recent statistics are more accurate and better reflect the reality. For this reason the data in the chart are not fully comparable.

Compared to 2010, searches decreased by 8%. However, it has to be noted that due to technical reasons the so called "Batch Searches" were not included into the statistics. "Batch Search" is a functionality which allows importing large lists of objects (up to 400, e.g. a list containing 400 suspects) and search them in one go. These statistics will be available and reported by Europol as from Q2 2012.

EIS – examples of successful investigations

France: Cigarette smugglers quickly sentenced in France

Two Latvian citizens were arrested for cigarette smuggling using a concealed storage space in a camping car. They were placed into custody by the French customs and a cross-check in the EIS was done by the National Unit. One of the suspects was known in the EIS in relation to a similar offence committed in Norway several months earlier. He was inserted in the EIS by Europol on behalf of Norway.

In addition to the information on the suspect, the EIS also contained information about the camping car used by the suspect at the time of his arrest in Norway, together with a list of pictures showing the concealed storage spaces in this vehicle. The suspects were using the same vehicle when they were arrested in France. Informed about these hits by the National Unit, the investigators were able to quickly provide evidence about the repeated character of the offence. Both suspects were sentenced to 3 months of imprisonment and the vehicle was seized.

By courtesy of the French National Police

The United Kingdom: Operation THEO – ATM skimming/THB

In early 2011 the City of London Police saw a rise in crimes committed on ‘ATM’ machines located at banks in the city. Using intelligence and analysis of information, Operation THEO was commenced in March 2011. A small number of officers were deployed on surveillance duties targeting a number of locations where repeated offences had been reported.

Very soon after the commencement of the operation the team saw success with a number of arrests and seizures of equipment used to interfere with the machines. After the first arrests there was a belief that the crime trends would fall. Instead officers on observation duties witnessed offenders attacking the machines at various locations night after night for three weeks.

During the time of the operation a total of 29 Romanian nationals were arrested and charged with offences relating to the attacks on 'ATM' machines.

Part of the process in dealing with each suspect was to run their details through a number of intelligence data bases including the Europol EIS to which the City police had recently been given training in its use.

Everyone was surprised but very pleased to find that three of those detained during Operation THEO featured as 'nominals' on the EIS. They were of interest for similar offences in other European countries and one was also suspected of being involved in the trafficking of human beings for the purpose of prostitution and another for robbery offences in a number of countries. All were members of international organised crime groups.

The intelligence provided by EIS was extremely useful to the operational teams and allowed the prosecution service to make strong applications for the subjects to be remanded in prison.

The ability of EIS to provide good intelligence and at the same time produce it both in a written report and a pictorial chart made it easy for officers to understand and to establish links with associates and other crimes.

City of London Police now check all European nationals who are detained by the force against the EIS, and since Operation THEO they have seen a number of other successes which would not have been identified before the force received training and access to the system.

By courtesy of the City of London Police